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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CARLOS GUATIMEA AGUIRRE, and SAVANNAH SHOSHANA SMITH,</p> <p>Defendants.</p>	<p>CR 21- 52 -M-DLC</p> <p>INDICTMENT</p> <p>CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE METHAMPHETAMINE AND FENTANYL Title 21 U.S.C. § 846 (Count I) (Penalty for methamphetamine: Mandatory minimum ten years to life imprisonment, \$10,000,000 fine, and at least five years of supervised release) (Penalty for fentanyl: 20 years imprisonment, \$1,000,000 fine, and at least three years supervised release)</p>
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**POSSESSION WITH INTENT TO
DISTRIBUTE METHAMPHETAMINE
AND FENTANYL**

Title 21 U.S.C. § 841(a)(1)

Title 18 U.S.C. § 2

(Count II)

(Penalty for methamphetamine:

**Mandatory minimum ten years to life
imprisonment, \$10,000,000 fine, and at
least five years of supervised release)**

(Penalty for fentanyl: 20 years

**imprisonment, \$1,000,000 fine, and at least
three years supervised release)**

**PROHIBITED PERSON IN POSSESSION
OF FIREARMS AND AMMUNITION**

Title 18 U.S.C. § 922(g)(1)

(Count III)

(Penalty: Ten years imprisonment,

**\$250,000 fine, and three years of supervised
release)**

**DRUG USER AND ADDICT IN
POSSESSION OF FIREARMS AND
AMMUNITION**

Title 18 U.S.C. § 922(g)(3)

(Count IV)

(Penalty: Ten years imprisonment,

**\$250,000 fine, and three years of supervised
release)**

**FALSE STATEMENT DURING A
FIREARMS TRANSACTION**

Title 18 U.S.C. § 922(a)(6)

(Counts V-VII)

(Penalty: Ten years imprisonment,

**\$250,000 fine and three years supervised
release)**

**POSSESSION OF UNREGISTERED
FIREARMS**

Title 26 U.S.C. § 5861(d)

(Count VIII)

**(Penalty: Ten years imprisonment, \$10,000
fine, and three years supervised release)**

	<p>POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME Title 18 U.S.C. § 924(c)(1)(A)(i) (Count IX) (Penalty: Mandatory minimum five years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years of supervised release)</p> <p>CRIMINAL FORFEITURE Title 21 U.S.C. § 853(a)(1) and (2) Title 18 U.S.C. § 924(d) Title 26 U.S.C. § 5872(a)</p> <p>TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR DRUG- RELATED FELONY CONVICTIONS</p>
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THE GRAND JURY CHARGES:

COUNT I

That in or about and between September 2020 and October 2021, at Missoula, in Missoula County, in the State and District of Montana, and elsewhere, the defendants, CARLOS GUATIMEA AGUIRRE and SAVANNAH SHOSHANA SMITH, knowingly and unlawfully conspired to possess with the intent to distribute, in violation 21 U.S.C. § 841(a), 500 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. § 846.

COUNT II

That in or about and between September 2020 and October 2021, at Missoula, in Missoula County, in the State and District of Montana, and elsewhere, the defendants, CARLOS GUATIMEA AGUIRRE and SAVANNAH SHOSHANA SMITH, knowingly and unlawfully possessed with the intent to distribute, 500 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and did aid and abet the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT III

That on or about October 6, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, CARLOS GUATIMEA AGUIRRE, knowing he had been convicted on or about January 18, 2012, of a crime punishable by a term of imprisonment exceeding one year under the laws of the State of California, knowingly possessed, in and affecting interstate commerce, firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1).

COUNT IV

That in or about and between February 2020 and October 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, SAVANNAH SHOSHANA SMITH, knowing she was an unlawful user and

addicted to a controlled substance, as defined in 21 U.S.C. § 802, knowingly possessed, in and affecting interstate commerce, firearms and ammunition, in violation of 18 U.S.C. § 922(g)(3).

COUNT V

That on or about February 28, 2020, at Missoula and within Missoula County, in the State and District of Montana, the defendant, SAVANNAH SHOSHANA SMITH, in connection with her acquisition and attempted acquisition of a firearm, namely a Glock Model G43 9mm pistol and a Glock Model G43X 9mm pistol, from Murdoch's Ranch & Home Supply, Missoula, Montana, a licensed dealer, knowingly made a false and fictitious written statement to Murdoch's Ranch & Home Supply, which statement was intended and likely to deceive Murdoch's Ranch & Home Supply, as to a fact material to the lawfulness of such sale and acquisition of said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented at item 11(e) on ATF Form 4473, Firearms Transaction Form, dated February 28, 2020, that the defendant was not an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance, all in violation of 18 U.S.C. § 922(a)(6).

COUNT VI

That on or about October 21, 2020, at Missoula and within Missoula County, in the State and District of Montana, the defendant, SAVANNAH SHOSHANA

SMITH, in connection with her acquisition and attempted acquisition of a firearm, namely a Glock Model 45 9mm pistol, from Cash 1 Pawn, Inc., Missoula, Montana, a licensed dealer, knowingly made a false and fictitious written statement to Cash 1 Pawn, which statement was intended and likely to deceive Cash 1 Pawn, as to a fact material to the lawfulness of such sale and acquisition of said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented at item 11(e) on ATF Form 4473, Firearms Transaction Form, dated October 21, 2020, that the defendant was not an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance, all in violation of 18 U.S.C. § 922(a)(6).

COUNT VII

That on or about October 6, 2021, at Missoula and within Missoula County, in the State and District of Montana, the defendant, SAVANNAH SHOSHANA SMITH, in connection with her acquisition and attempted acquisition of a firearm, namely a Gilboa Model M43 9mm pistol and a Heckler & Koch Model MP5, 22LR pistol, from Cash 1 Pawn, Inc., Missoula, Montana, a licensed dealer, knowingly made a false and fictitious written statement to Cash 1 Pawn, which statement was intended and likely to deceive Cash 1 Pawn, as to a fact material to the lawfulness of such sale and acquisition of said firearm to the defendant under Chapter 44 of Title 18, in that the defendant represented at item 11(e) on ATF Form 4473,

Firearms Transaction Form, dated October 6, 2021, that the defendant was not an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance, all in violation of 18 U.S.C. § 922(a)(6).

COUNT VIII

That in or about October 6, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendants, CARLOS GUATIMEA AGUIRRE and SAVANNAH SHOSHANA SMITH, knowingly possessed at least one firearm of the following firearms as defined in 26 U.S.C. § 5845(a)(3) and (a)(5):

1. (a) an Israel Weapon Industries, model Tavor X95, 5.56 caliber, SN:

T2003160

- (b) a PTR Industries, model PTR 9, 9mm caliber, SN: 9MK003428;
- (c) a PTR Industries, model PTR 9, 9mm caliber, SN: 9MC011624;
- (d) a PTR Industries, model PTR 9, 9mm caliber, SN: 9MK003685;
- (e) a PTR Industries, model PTR 9, 9mm caliber, SN: 9MK006920; and
- (f) a PTR Industries, model PTR 9, 9mm caliber, SN: 9MK003709,

with a barrel of less than 16 inches in length and designed or redesigned, made or remade, and intended to be fired from the shoulder; and

2. (a) a Sig Sauer, model MPX, multi caliber, SN: 62F001519;
- (b) a Sig Sauer, model MPX, multi caliber, SN: 62F002882; and

(c) a Sig Sauer, model MPX, multi caliber, SN: 62F001829, originally assembled or produced as a handgun and had a vertical fore grip installed, which were not registered to either defendant in the National Firearms Registration and Transfer Record, in violation of 26 U.S.C. § 5861(d).

COUNT IX

That in or about October 6, 2021, at Missoula, in Missoula County, in the State and District of Montana, the defendant, CARLOS GUATIMEA AGUIRRE, did knowingly possess a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, namely possession with intent to distribute controlled substances, as alleged in counts I and II above, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

FORFEITURE ALLEGATION

Upon conviction of any of the offenses set forth in counts I and II of this indictment, the defendants, CARLOS GUATIMEA AGUIRRE and SAVANNAH SHOSHANA SMITH, shall forfeit, pursuant to 21 U.S.C. § 853(a)(1) and (2): (1) any property constituting and derived from any proceeds obtained, directly and indirectly, as a result of the commission of said offense; and (2) any property used and intended to be used, in any manner and part, to commit, and facilitate the commission of, said offenses.

Upon conviction of the offense set forth in count III of this indictment, the defendant, CARLOS GUATIMEA AGUIRRE, shall forfeit, pursuant to 18 U.S.C. § 924(d), any firearms and ammunition involved in any knowing violation of said offense.

Upon conviction of the offense set forth in counts IV through VII of this indictment, the defendant, SAVANNAH SHOSHANA SMITH, shall forfeit, pursuant to 18 U.S.C. § 924(d), any firearms and ammunition involved in any knowing violation of said offense.

Upon conviction of the offense listed in count VIII this indictment, the defendants, CARLOS GUATIMEA AGUIRRE and SAVANNAH SHOSHANA SMITH, shall forfeit, pursuant to 26 U.S.C. § 5872(a), any firearms and ammunition involved and used in any knowing violation of said offense.

Foreperson signature redacted.
Original document filed under seal.

A TRUE BILL.

FOREPERSON

Leif M. Johnson
LEIF M. JOHNSON
Acting United States Attorney

(e) 
JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney